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BY <u>[Signature]</u>	052

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES--GENERAL

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CLERK'S

Case No. CV 00-0215-NM(RC)

Date: February 27, 2004

Title: Tracy Turner, aka Terry Tucker v. C.A. Terhune, Director
of the California Department of Corrections

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DOCKET ENTRY

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HON. ROSALYN M. CHAPMAN, UNITED STATES MAGISTRATE JUDGE

Debra Taylor
Deputy Clerk

None
Court Reporter

ATTORNEYS PRESENT FOR PETITIONER:
None Present

ATTORNEYS PRESENT FOR RESPONDENT:
None Present

PROCEEDINGS: (IN CHAMBERS) ORDER RELIEVING APPOINTED COUNSEL

The Court, having reviewed counsel for petitioner's request to be relieved as appointed counsel, **hereby grants** that request, and, as a condition of granting the request, **orders** counsel not to submit any requests for payment for work previously done on this case.

The Court, having read all documents in this case, including the supplemental return, finds that, at this time, appointment of counsel to substitute for Ms. Ricker is not warranted. Bonin v. Vasquez, 999 F.2d 425, 429 (9th Cir. 1993); cf. Rule 8, 28 U.S.C. foll. § 2254. However, in the event an evidentiary hearing is ordered, the Court will reconsider whether to appoint new counsel for petitioner. Nevertheless, the Ninth Circuit Court of Appeals may decide to appoint substitute counsel for Ms. Ricker. Thus, if substitute counsel has not been appointed by the Ninth Circuit by April 1, 2004, Ms. Ricker **is ordered** to turn over her files to petitioner at that time, and to file a declaration establishing she has done so. On the other hand, if substitute counsel is appointed by the Ninth Circuit prior to April 1, 2004, Ms. Ricker **is ordered** to turn over her files to substitute counsel at that time, and to file a declaration establishing she has done so. In the meantime, the date by which the traverse must be filed is extended to June 1, 2004.

(73)

Service List:

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aka Terry Tucker
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SCANNED

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Initials of Deputy Clerk 

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